

1 The Honorable Marsha J. Pechman

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7 UNITED STATES DISTRICT COURT FOR THE
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 LENOR TILLMAN,

11 Plaintiff,

12 v.

13 UNITED STATES OF AMERICA,

14 Defendant.

Case No. 2:23-cv-01070-MJP

STIPULATED MOTION TO FILE A
DAUBERT MOTION OUT OF TIME

Noted for Consideration:
June 10, 2025

15 The Court has ordered all dispositive motions, including *Daubert* motions to be filed on
16 June 23, 2025. Plaintiff has disclosed a treating provider, Andrew Gomez, M.D., as an expert.
17 The parties have been trying to schedule Gomez's deposition for a significant amount of time but
18 the earliest he is available is June 27, 2025. Rather than move to exclude him because of his
19 prior unavailability, the parties have stipulated to filing any potential *Daubert* motion for Gomez
20 until July 14, 2025. Defendant does not yet know if it will file any such motion but wants to
21 preserve the ability to do so, if circumstances warrant. The parties will file all other dispositive
22 motions, including *Daubert* motions, on the previously set date unless the Court wishes to reset
23 the date for all dispositive motions for simplicity's sake. Further, the parties are not asking for
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the Court to move any other dates, including the trial date, but of course understand that is ultimately up to the Court, and they can provide their availability if the Court prefers to do so. The parties submit there is good cause to allow Defendant to file one *Daubert* motion out of time, should Defendant believe there is sufficient cause. For these reasons, the parties stipulate and respectfully request that the Court allow Defendant to file any potential *Daubert* motion against Andrew Gomez, M.D., out of time, on or before July 14, 2025.

DATED this 10th day of July, 2025.

Respectfully submitted,

TEAL LUTHY MILLER
Acting United States Attorney

RUSSELL & HILL, PLLC

s/ Nickolas Bohl

s/ Dean F. Swanson

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I certify that this memorandum contains 236 words, in compliance with the Local Civil Rules.

~~PROPOSED~~ ORDER

The parties, having stipulated and agreed, it is so **ORDERED**.

DATED this 10th day of June, 2025.



MARSHA J. PECHMAN
United States Senior District Judge